

MINUTES OF A REGULAR MEETING

BROOKLYN CITY COUNCIL

February 8, 2016

7:00 p.m.

Present: Kathy Pucci
Mary Albier
Kevin Tanski
Barb Paulitzky
Ron Van Kirk
Tony DeMarco
Debbie Tomusko

Absent: None

Pledge of Allegiance.

APPROVAL OF MINUTES:

Councilwoman Pucci asked for a change on page 1 from 'safe and memorial holiday...' to check on its accuracy (possibly 'memorable'); and on page 3 to note her reasons included for abstaining on a Planning Comm. confirmation for the record. **MOTION** by Pucci, second by Tanski to approve the minutes from the meeting of January 11, 2016, as amended. **VOTE RESULTED:** *Approve:* Yes: Pucci, Albier, Tanski, Paulitzky, Van Kirk, DeMarco. Abstain: Tomusko. No: None. (***APPROVED, as amended***)

MOTION by Pucci, second by Van Kirk to approve the minutes from the meeting of January 25, 2016. **VOTE RESULTED:** *Approve:* Yes: Pucci, Albier, Tanski, Paulitzky, Van Kirk, DeMarco. Abstain: Tomusko. No: None. (***APPROVED***)

Interim President Van Kirk wished condolences to Mayor Gallagher on the loss of her grandfather and uncle. Last Monday Council held a final Organizational mtg. for 2016; no consensus was reached for a new Council President, so he remains in that position. The following 2016 committee assignments were made: Finance: Kathy Pucci (chair), Ron Van Kirk, Barb Paulitzky; Public Works: Kevin Tanski, Tony DeMarco, Mary Albier; Public Safety and Environmental: Debbie Tomusko, Barb Paulitzky, Ron Van Kirk; Legislative Update: Tony DeMarco; Volunteer Fire Dep. Bd.: Kevin Tanski, Tony DeMarco; Fair Housing Rep: Mary Albier; Sustainability Rep: Kevin Tanski; School Bd. liaison: Ron Van Kirk. All committees and Council appointments are filled for 2016. After that meeting a meeting was held to discuss 2016 budget; he thanked the Mayor and staff and JoAnn Haig for preparation. A large portion of the budget was discussed, and another meeting will be held in the near future. He highlighted the projected 2016 General Fund revenue to be approx. \$16.5M, with all revenue approx. \$23M; budgeting expenditures to be approx. \$15.3M, with all spending approx. \$22M. Capital items discussed was for police equipment; recreation equip. (includes new Zamboni, updated/new security cameras, new keyfob entry system, outdoor pool fencing, pool boiler and sand filter; new carpeting at Senior Center; new vehicle radios for Service Dept., mini-max garbage truck (getting addressed hopefully tonight), new salt truck; and budgeting \$927,000 for 2016 streets program (totaling \$2,195,000 Capital expenditures for 2016). If the budget holds true to end of 2016, there should be an increase to General Fund of \$1,225,000. Agenda includes: liquor permit stock transfer; Council confirmation for appointments to Rec Bd. and Econ. Development Comm.; Ord. #72 (in abeyance), purchase of a mini-max one-armed garbage truck (\$210,103); #77 (in abeyance), establishes full-time Econ. Dev. Director; #5 (1st Read), Annual Appropriations; #6 (1st Read), Amend establishment of fees for sports sponsorship program at Rec Center; #7, Authorize agreement with Architectural Vision Group for services of assessment on city buildings (\$45,450); #8, Authorize expanding agreement with Calfee, Halter & Griswald for legal services for the landfill (\$10,000). Before adjournment Council will go into Executive Session to discuss matters of personnel; after reconvening, the Public Works and Public Safety and Environmental Committees will meet to elect chairpersons.

PUBLIC SESSION:

None

REPORTS OF COMMITTEES, COMMISSIONS & BOARDS:

Finance Committee (Councilwoman Pucci): The Comm. met at 6:15 for questions and answers with the assessments on the city buildings. Addressed: Elected Chair for 2016 (Kathy Pucci); Ord. #5, Appropriations (1st reading) they are coordinating another budget meeting; Ord. #6, Amends fees for program sponsorships (adjusted ranges); Ord. #7 (emergency passage), Agree. with Architectural Vision Group for buildings assessments (they will assess all municipal bldgs. and their systems, and provide a detailed report, will take three to four months); Ord. #8 (emergency passage), expanding the upper limit to pay to legal representation relating to negotiation with EPA and landfill closure, increasing by \$10,000. The Mayor updated (not officially yet) that we won't be awarded the CDBG applied for to update baseball fields; and she asked the Finance Dir. to run figures relating to the consideration of Cleveland to increase their income tax from two to 2.5%, which would impact us with Brooklyn residents working in Cleveland (as we give 100% credit to residents); spoke on updating records retention schedule, and to move forward with destruction for eligible records.

Recreation Board (Councilman Tanski): The Rec Center is accepting applications for spring and summer part-time employment for lifeguards, water safety instructors, baseball instructors, maintenance, pool attendance, sport court attendance, Day Camp counselors, soccer and cashiers. Applications are on-line and at the Rec Center. Various learn to swim registrations begins Feb. 15th (classes March 7- May 4) and for swim team. Youth soccer registration began today. Lifeguarding classes begin in April (age 15 and up). Spring learn to skate registrations is going on now. Youth baseball registration begins March 1. Information for all registrations at the Rec Center or at 216-351-5334. The Baron Cup Hockey Tournament is from Feb. 8- Feb. 14th; Sectionals Feb. 15-27; Districts March 1-2; District championship March 5. Reservations for Memorial Park pavilion rentals are being taken now for May 8 to the end of September through twestfall@brooklynohio.gov or 351-5334. The next Board meeting is Tuesday, Feb. 8th in the Recreation mtg. room at 7 p.m.

Domestic Abuse Comm. (Councilwoman Paulitzky): House Bill 392 is in Committee, which is for domestic violence protection against intimate partners, providing access to domestic violence shelters to those victims, and require Atty. General's Victims' Bill of Rights pamphlets to include a notice they may petition for a civil protection order. She also referred to an article from Sunday's Plain Dealer about three Medina agencies working together relating to pet owners in shelters have had their pets injured, threatened or killed. She is going to see if Cuyahoga County is addressing this domestic violence issue.

Zoning Bd. of Appeals (Mayor Gallagher for Comm. Kulcsar): The Bd. of Zoning Appeals will meet Feb. 18th at 6 p.m. in the Conference room to hear requests: a deferred request from D. Sternberg of 5 Star Media LLC to erect a 14x48' double-faced billboard with lighting at 5111 Tiedeman Rd. (it was denied by Planning Comm. on Jan. 7 for being not harmonious with surrounding area.) A Board review of all 2015 zoning applications will also be done.

Planning Commission (Councilwoman Pucci): The Comm. met Feb. 4 at 6 p.m. in the Conference Room at City Hall. Dec. 16th mtg. minutes was deferred due to no quorum of members on the Commission at that time; Jan. 7th minutes were approved; approved a request: from R. Plaga of Granger Body to install a 40 sq. ft. wall mounted aluminum sign with vinyl letters for business identification of Granger Body Co. at 10904 Brookpark Rd.; and from M. Hatab of Golden Pyramid Int. for a wall mounted illuminated sign panel change and added window signage for business identification of Golden Pyramid Int. at 7467 Memphis Ave. (amended approval due to modified plan to reduce amount of lettering on windows). Additionally they are in the process of addressing some violations and are making progress. Mayor Gallagher (chairperson) said a member of the Comm. suggested motions be made to approve agenda items, as a motion to deny was confusing. She (Mrs. Pucci) suggested alterations how they are recorded in minutes and to add after the vote "approved" or "denied."

REPORTS OF COUNCIL:

Kathy Pucci: Offered condolences to Mayor Gallagher and family. The Brooklyn Community Improvement Corporation (CIC) held its annual meeting Feb. 1st at 6 p.m. and elected Mayor Gallagher as a trustee, and officially removed Mr. Claussen and determined Dir. Butler will act as statutory agent. The

Mayor suggested replacing Mr. Claussen's seat with Mr. Celcherts, and after discussing making community members aware of openings, it was decided to post this. Election of officers was conducted: Mayor Gallagher, President; John Wittine, Treasurer, Kathy Pucci, secretary. A draft of the annual report to the Auditor was reviewed, and clarification for two properties will be done before the final report is submitted. Terms of Trustees will be staggered so all positions expire at the same time. An executive session was held relating to the sale of land. Safe Routes to School held a meeting Jan. 26th: Bike Rodeo will be Saturday, May 7th at Ridge Park Square, with Touch a Truck included; will reintroduce the Walking School Bus; working on grant applications. This Council meeting will be broadcast on AT&T U-verse, provided for the first time. We are still working with Time Warner and Wide Open West (WOW), and hope to get our meetings up and running on all cable stations. Welcomed Law Dir. Butler to Brooklyn.

Mary Balbier: Passed along some compliments she heard for our new Councilwoman Tomusko from Lakewood Mayor Sommers and former Councilman Greg Frey. The Senior Center has its Valentine's Day party from 11-2 – info at 635-4222. The Chamber of Commerce is holding A Taste of Brooklyn on Feb. 27th, with Brooklyn's All That Jazz band performing. Proceeds will go for three \$1500 scholarships (Brooklyn and Old Brooklyn residents). Tickets are \$15 – for food, wine, beer, raffle and gift baskets. Call the school or Valerie Thompson/Chamber at 228-5484. Commented about a resident's comments from last meeting about issues about marijuana, having seen a recent documentary on present day use and growing of it. Ohio turned down a Constitutional Amendment allowing legal growing in the last election. It will be back for consideration, probably as a Statute. She personally sees no good in it. 20 states and the District of Columbia have legalized medicinal marijuana, and four states also for recreational use; it will probably increase because of tax money to be made. A statistic has emerged that marijuana is the largest cash crop in America. Her Dad served in WWII, badly injured, with two years in hospital; her husband is a Vietnam veteran, along with almost all male members of his family in Armed Forces. 10% of veterans are women. Post traumatic stress syndrome and other mental health conditions are prevalent in returning soldiers from Iraq and Afghanistan. A 2015 published study found female veterans have a suicide rate six times the rate of civilian women and five times the rate of male veterans. Sen. Sherrod Brown introduced Female Veterans Suicide Prevention Act – to expand Dept. of Veterans Affairs evaluations of mental health and suicide prevention programs to include date of female veterans, ensuring tailored mental programs to serve female veterans. Gave an opinion (and means no disrespect) that we've had an Organization meeting to pick a Council President, and after the vote of no one being elected, Mr. Van Kirk announced the members he appointed to various committees. It's the President's chore to do, but it has always been done after consulting with the members and their input of which committee they wish to sit on; this was not done. She did not have input, and doesn't think others did. Conferring with members is imperative, and in her view for getting the right people on various committees, and better for the member to want to be on the committee being assigned. Assigning without consulting the members was rude and uncalled for. She believes Mr. Van Kirk created a division among Councilpeople. It's her third time on Council, and the past two times she was called by the President to see what assignment she would like. Reiterated her disappointment and it was not good business.

Kevin Tanski: Expressed condolences to Mayor Gallagher on the losses of her grandfather and uncle. Was contacted by Sustainability Director Foley and will have Cleve. Public Power take an in-depth look at the landfill for possible Greenfield project. CPP is friendlier than CEI to energy efficient projects. It would be a great energy saving project for our city.

Barb Paulitzky: On Feb. 1st longtime resident Mary Chase went to be with the Lord, and she offered condolences to her family and friends. She was active in many groups and efforts in the city, many unknown to people. Also offered condolences to Mayor Gallagher on the loss of her family members.

Tony DeMarco: No report.

Debbie Tomusko: Offered condolences also to Mayor Gallagher, and commended her for being here in a meeting with her when she wouldn't think she would be in working, and further commended her commitment to the city. Welcomed Law Director Kevin Butler and looking forward to having his influence in Brooklyn. Said she was just sworn in on Jan. 21st to Council and some people probably wonder who she is. No nameplate yet, just on a committee, and not much to say being on Council such a short time. But wanted to briefly introduce herself. A lifelong resident of Brooklyn (while her career allowed it), a graduate of Brooklyn High School, undergraduate studies at Kettering University (BA in Mechanical Engineering),

graduate work at Harvard Business School (MBA in Business), worked in multiple and various aspects at General Motors most of her life in manufacturing (and overseas for Saturn and Toyota), then onto an executive VP at a publicly traded company, came back to Brooklyn in an economic development organization (helping improve and consult with manufacturing firms), taught college at Cleveland State, Walsh, etc., and has her own business consulting with companies and non-profits in efficiency and effectiveness. Is in the High School Hall of Fame, and sits on the committee; served on Economic Development Comm., pro-bono marketing project for the city. Appreciates the opportunity to serve. She looks forward to the other cable companies coming on so that people can stay involved in what the government is doing, and openness and transparency. Applauds those who come at night and those at home to take active roles in the government. Reminded that Council and everyone in the building works for the residents. As time goes on and she's part of the Council and her committee, she will say and contribute more.

Ron Van Kirk: Reminded that all meetings are available on the city's website on video. Though he has no report, he wanted to address Councilwoman Balbier's comment. Council's had three organizational meetings since January 1st to come to consensus on President, and it did not happen. When they met last week he appointed committees, after seeking the advice of some on appointments, and there were no objections raised then. It's a week later and he's had no objections through e-mail or phone on that. He's being neither rude or creating divisions in the city or on Council; and he makes no apologies for performing his duties and how he sees fit in the best interest of the city. He's not here to promote himself or any other reason, just for the best of the city. He apologizes if it came across that way it was not his intention, his phone is always open for concerns, and she is welcome to call and discuss.

MAYOR'S REPORT:

Mayor Gallagher: Thanked everyone for the condolences; it's been a tough couple weeks and appreciates the support of the directors and staff, as well as Council. Formally welcomed Law Director Kevin Butler, appointed at the last meeting. The search had 23 applicants, six of them interviewed, and Dir. Butler shined through the group and will work out terrific with Brooklyn. He will keep his job part-time with the City of Lakewood, and there's a benefit to that, as we face some same issues as a first ring suburb. Thanked Mgr. McGinty and the Recreation staff and read an e-mail she received, thanking for hosting the St. Ignatius tournament and accommodating Gonzaga hockey team, and complimenting the well run, spotless, and exceptionally clean locker rooms and showers. They further said they will encourage St. Ignatius to hold the tournament again and they would return as candidates if invited. Thanked Bldg. Comm. Kulcsar for helping a resident who came in with a problem with power being off. Comm. Kulcsar met him over the weekend and went through an inspection and got the power back on. Met with the Library last week, they are doing a half million dollar renovation at their buildings; it will not be closed during the work going on until March, though the Parma branch will be closed during that time. Started Finance Director interviews, and was going to present a candidate for Council to interview tonight, but it will not occur tonight, so no executive session. Time Warner Cable and WOW have been very slow doing the process with cable showing meetings, so she requests residents contact them as their provider – they're not in a big hurry to do is. Urged to please call their provider that it's a service you want and it's important. Chief Zemek turned in his annual report. She highlighted: in 2015 Fire Dept. responded to 719 fire alarms, 1837 EMS calls (2,556 requests), a 9% increase from 2014; \$373,000 EMS billings received; the Chief secured \$139,000 in grant money for 2015; total fire loss of \$2,526,000 (majority due to the stadium at end of year). She thanked the Chief and said it will go out to Council this week. The comment about the CIC committee and her requesting Andy Celcherts on the committee is true. It's a committee that it helps to have someone who can hit the ground running, and she thinks the last two appointments (Deb Tomusko and John Wittine) were appointed by the committee without posting, and this would be the same case, no different than anything else – so she feels it's a political power struggle, but is willing to go through the process and the appointment. If interested look at the city website. Since she's been the Council President the last two years, she knows there's some division, obviously; if you can't pick a President there's division to begin with. It might be unfair to say Councilman Van Kirk is purposely doing this, because you're starting off with a division. There's a big problem to being with Council and her. She hopes for the sake of the city and the residents we can find middle ground with all the Councilpeople. Some kind of dispute resolution, something to work on this; but like Councilwoman Tomusko said, we're here to serve you, and if we can't get along up here, what are we going to accomplish? So she hopes Council can sit down and work something out with each other to move forward.

DIRECTORS REPORTS:

None

REQUESTS:

Liquor permit request of a stock transfer for Corvie's. The Chief has no objections, it's a transfer within the family. **MOTION** by Pucci, second by Tanski for a position of no objection. **VOTE RESULTED:** *No Objection:* Yes: Pucci, Balbier, Tanski, Paulitzky, DeMarco, Tomusko. Abstain: Van Kirk. No: None. **(NO OBJECTION)**

CONFIRMATIONS:

Mayor Gallagher requests Council Confirmation for the appointment of Rebecca Byndas to Brooklyn's Recreation Board, to fill the term of Michele Rivera, who was appointed to the Civil Service Commission, with the term expiring 12/31/17. (highlights of her resume were read) **MOTION** by Pucci, second by Tanski to confirm the appointment. **VOTE RESULTED:** *To Confirm Appointment:* Yes: Pucci, Balbier, Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko. No: None. **(APPOINTMENT CONFIRMED)**

Mayor Gallagher requests Council Confirmation for the appointment of Andy Celcherts to the Economic Development Committee, to fill a current vacant position of Debbie Tomusko, who was appointed to the vacant City Council seat. Councilwoman Pucci wanted to assure this is not political, but she's confused that unless something changed or she doesn't remember, the appointment is a member of the business community, and doesn't even have to be a resident. Maybe check into the criteria or language further? Mayor Gallagher said she can look at this, but wishes it was brought to her prior to the meeting as it's been out for a week. Councilwoman Tomusko said she was the person on the CIC and Economic Dev. Comm., not at the same time. It's not personal to ask it go out to the city to look for additional candidates, but to see other people have the potential opportunity. And for herself receiving those appointments, she was running a manufacturing portion for her business and also in their part of work with City of Cleveland, and had experience in what Brooklyn's CIC does. She had that particular experience. She also had experience in economic development, which is why Fran Migliorino reached out and asked her to be on the committee. (in defense of herself on those committees) Mayor Gallagher reassured she was not casting judgment on Councilwoman Tomusko's abilities and apologized it came across that way. Her point was it's a double standard, that we didn't go out for those two positions. Councilwoman Pucci suggested a step back and have the Law Dir. look at the language, and make sure nothing has changed, but she remembers it being a citizen from the business community. The matter will be held for the next meeting.

LEGISLATION:

ORDINANCE 2015-72 (currently in abeyance), Authorizing the purchase of one 2017 Freightliner M2 Mini-Max one-armed garbage truck for the use by the Service Dept. from Cleveland Freightliner, Inc. for a total of \$210,103 through the State of Ohio Government Pricing. **MOTION** by Van Kirk, second by Pucci to remove from Abeyance. **VOTE RESULTED:** *To Remove from Abeyance:* Yes: Pucci, Balbier, Tanski, Paulitzky, Van Kirk, Tomusko. No: DeMarco. **(REMOVED FROM ABEYANCE)** Dir. Verba explained, when asked, the reason for this is to help out mainly in the Acres; as currently our two tipper trucks with three men on each go through the Acres and near the Westbrooks, and also on Manoa and ends off Outlook. This purchase is a smaller one-armed truck to fit going through the Acres, and also be a back-up if a truck goes down. Mayor Gallagher added there was a lengthy discussion during the budget meeting about this, as it's a huge purchase. Since we started the one-armed process, this was a decision to move forward with a more efficient measure. This allows for a more efficient use of manpower. If you invest in a program you have to continue to invest in it. There are two choices for trash pickup: privatize, and get a decent contract for the first three years, eliminate what you have in trucks, and reduce manpower, with substantial savings; but then when you go for the next years' contracts they will increase and fees go up and become out of control. We're so proud to offer these services in Brooklyn, and we should invest and maintain this program and services as long as we can. This is her big push, to continue and invest in it, and make it a successful

program. Councilman DeMarco said his position, for some time, is since instituting the one-arm trucks to be more efficient, we've invest a lot of money in this service. He supported it when we did it. His issue is that all the dollars invested, his opinion, we haven't realized significant efficiencies to justify the expenditures so far. So another expenditure, and hope for efficiencies at some point? He doesn't think it's the best use of tax dollars with other issues facing us this year and years to come. **MOTION** by Van Kirk, second by Pucci to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: Pucci, Balbier, Tanski, Paulitzky, Van Kirk, Tomusko. No: DeMarco. *To Adopt by Emergency:* Yes: Pucci, Balbier, Tanski, Paulitzky, Van Kirk, Tomusko. No: DeMarco. **(ADOPTED)**

ORDINANCE 2015-77, Establishing full-time position of Economic Development Director. **(In abeyance)**

ORDINANCE 2016-5: Annual Appropriations Ordinance. **(FIRST READING)**

ORDINANCE 2016-6: Amending Section 1 of Ord. 2009-66, Establishing fees for the Sports Sponsorship at the John M. Coyne Recreation Center. **(FIRST READING)**

ORDINANCE 2016-7: Authorizing the Mayor to enter into an Agreement with Architectural Vision Group LTD to provide architectural engineering services related to the development of an assessment on municipal buildings in the amount of \$34,450. Councilman DeMarco said he's been a proponent of this for some time and is glad we're having something to vote on. Though three or four months is long for him, and the scope outside his original intentions were, he hope Council supports it. **MOTION** by Pucci, second by Van Kirk to suspend the rules. *Suspend the Rules:* Yes: Pucci, Balbier, Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko. No: None. *To Adopt:* Yes: Pucci, Balbier, Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko. No: None. **(ADOPTED)**

ORDINANCE 2016-8: Authorizing the Mayor to enter into an expanded agreement with Calfee, Halter and Griswold LLP to provide legal services necessary and related to the operation of the city landfill on behalf of the City of Brooklyn in the amount not to exceed \$10,000 – as previously expanded by Ords. 2012-73 and 2014-39. **MOTION** by Pucci, second by Van Kirk to suspend the rules. *Suspend the Rules:* Yes: Pucci, Balbier, Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko. No: None. *To Adopt:* Yes: Pucci, Balbier, Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko. No: None. **(ADOPTED)**

Councilman Tanski wanted to add his welcome to Law Dir. Butler, and is happy to have someone in the Law Dept. with a labor background, and will hopefully help in our union contracts.

Councilwoman Pucci said the Mayor mentioned encouraging residents to contact their cable providers (for WOW and Time Warner); she asked to get the information on the website for who they can call. She also encouraged Councilmembers to contact as well.

There being no further business, **MOTION** by Pucci, second by Tanski to adjourn. **VOTE RESULTED:** *To Adjourn:* Yes: Pucci, Balbier, Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko. No: None. **(ADJOURNED)**

Clerk of Council

President of Council